
Public Utilities Commission of the State of California

Results of Public Agenda 3156

Meeting Held on Thursday, July 21, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, August 22, 2005 (San Francisco)	Thursday, August 25, 2005 (San Francisco)
Tuesday, September 06, 2005 (San Francisco)	Thursday, September 08, 2005 (San Francisco)
Monday, September 19, 2005 (San Francisco)	Thursday, September 22, 2005 (San Francisco)
Monday, October 03, 2005 (San Francisco)	Thursday, October 06, 2005 (Los Angeles)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re 50: Harrison Pollak, for California Attorney General, 1515 Clay St. 20th Fl., Oakland, CA 94612

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

[4684]

R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.

This decision denies the Latino Issues Forum (LIF) request for \$39,036.81 in intervenor compensation for work related to D05-01-055 because that decision did not address the issues on which LIF had been found eligible to seek compensation.

(Comr Kennedy - ALJ Gottstein)

Outcome Signed

[D05-07-009](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2

[4635]

Res ALJ-3156

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[4693]

I03-10-038 - Investigation on the Commission's own motion into the operations and practices of the Conlin-Strawberry Water Company Inc., and its owner/operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause why the Commission should not petition the Superior Court for a receiver to assume possession and operation of the Conlin-Strawberry Water Company Inc. pursuant to the California Public Utilities Code Section 855.

The Commission issued an Order Instituting Investigation (OII), Notice of Opportunity for Hearing, and Order to Show Cause directed to Conlin-Strawberry Water Company Inc. and Danny T. Conlin, its owner (sole shareholder) and operator, respondents. In this decision, the Presiding Officer determines that certain of the OII's allegations have been proven by a preponderance of the evidence and that the Commission should petition the Superior Court for the appointment of a receiver to assume possession and operation of the water system. Additionally, the Presiding Officer orders reparations of approximately \$107,000 (including interest), for illegally collected rate surcharges, from the company. The appeal of the decision of the Presiding Officer is denied. This proceeding is closed. (Comr Brown - ALJ Thorson)

Agenda 3155, Item 21 6/30/2005 (Staff)

Outcome Signed

[D05-07-010](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

4

[4696]

R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.

This decision authorizes an incremental \$736,000 for the Statewide Pricing Pilot, Advanced Demand Response System and Information Display Pilot.

(Comr Peevey - ALJ Cooke)

Outcome Signed

[D05-07-011](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 5**
[4706] **A05-04-010 - Tex-Link Communications, Inc. (Tex-Link).**
This decision grants Tex-Link a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Brown - ALJ Kenney)
Outcome Signed
[D05-07-012](#)
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 6**
[4712] **I94-09-001 - Investigation on the Commission's own motion into the operations and practices of George Anthony Maciel, an individual, doing business as Alviso Rock, and of George Maciel Trucking, Inc., a California Corporation.**
This decision closes an old enforcement matter in which no decision was previously rendered. It is appropriate to do so due to the nature of the offenses involved and the passage of time.
(Comr Brown - ALJ Weismehl)
Outcome Signed
[D05-07-013](#)
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 7**
[4714] **Res W-4548 - Mountain Springs Water Company (Mountain Springs).**
This resolution authorizes Mountain Springs a general increase in rates producing \$5,490 or 20.18% additional annual revenue.
Outcome Approved
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 8**
[4716] **A02-05-046 - Southern California Edison Company.**
Application regarding the future disposition of the Mohave Generating Station. This decision awards Water and Energy Consulting \$262,578.00 in compensation for its contribution to D04-12-016.
(Comr Peevey - ALJ Brown)
Outcome Held (8/25/05, Consent Agenda. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-

9

[4717]

R04-01-006 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing post-2003 low-income assistance programs.

A04-06-038, A04-07-002, A04-07-014, A04-07-015, A04-07-020, A04-07-027, A04-07-050 - Related matters. This decision approves the 2005 budgets for seven small and multi-jurisdictional energy utilities to implement California Alternative Rates for Energy and Low-Income Energy Efficiency Programs.

(Comr Grueneich - ALJ Weissman)

Outcome Signed[D05-07-014](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

10

[4718]

A03-08-004 - Pacific Gas and Electric Company (PG&E).

This decision addresses PG&E's activities related to its Energy Resource Recovery Account for the record review period of June 1, 2003 through December 31, 2003. This proceeding is closed.

(Comr Peevey - ALJ Wong)

Outcome Signed[D05-07-015](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

11

[4724]

I01-04-026 - Order Instituting Investigation into the revenue requirement of SureWest Telephone Company pursuant to Decision 00-11-039.

This decision authorizes Roseville Telephone Company (SureWest) to continue receiving an annual \$11.5 million California High Cost Fund (CHCF) payment to offset its intrastate regulated operating expenses on an interim basis. This decision requires SureWest to prepare a cost proxy model (CPM) based on its current cost data. The results of this study and resulting impact on its rates, on the Universal Lifeline Telephone Service fund, and on the CHCF-B fund shall be filed by SureWest as an application for authority to modify the CPM for SureWest within 12 months after the effective date of this decision. This decision also authorizes SureWest to file an Advice Letter to incorporate its rate design proposal of applying its CHCF-B draw from the period March 2001 through February 2002 as a reduction to its business access line rates. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

Outcome Held (8/25/05, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

12

[4727]

Res E-3939 - Pacific Power and Light Company (PacifiCorp).

PacifiCorp proposes to offer an enhanced irrigation energy efficiency program to its customers who are under Schedule PA-20 and those under United States Bureau of Reclamation Contract, and to reinstate its Schedule PA-150 to collect the remaining Energy Conservation Payments. (Advice Letter (AL) 326-E, filed April 7, 2005 and Supplemental AL 326-E-A, filed June 10, 2005 that entirely replaces AL 326-E)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

13 (Rev.)

[4730]

A00-05-035 - Pacific Gas and Electric Company (PG&E).

A00-12-008 - Related matters. The Commission grants Pacific Gas and Electric Company (PG&E) authority pursuant to §851 of the Pub. Util. Code to sell its Richmond to Pittsburg Fuel Oil Pipeline (Pipeline Assets), and Hercules Pump Station with its 44.2 acres of land (Pump Station Assets). The Commission also grants San Pablo Bay Pipeline Company (SPBPC) authority to own and operate the Pipeline Assets as a common carrier pipeline corporation under §§216 and 228. As part of this sale and transfer, the Commission approves a plan whereby the Hercules Pump Station will be abandoned and removed from utility service, and the 44.2 acres of pump station land will be purchased by Santa Clara Valley Housing Group, Inc. (SCVHG) for likely development after remediation of contamination. Also, as part of the plan, the Commission approves the acquisition of SPBPC by Shell Pipeline Company LP (Shell) under §854. The purchase price payable by SPBPC to PG&E is \$16.7 million. As requested by PG&E, the entire gain on sale of these assets is allocated to ratepayers, through a credit to the depreciation reserve because ratepayers bore the risk of cost recovery. These proceedings are closed.

(Comr Kennedy - ALJ Patrick)

07/19/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D05-07-016](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

14

[4731]

Res E-3938 - San Diego Gas & Electric Company (SDG&E).

SDG&E requests approval of an Agency Agreement with the California Department of Water Resources for the implementation of the California Consumer Power and Conservation Financing Authority Demand Reserves Partnership Program. (Advice Letter 1512-E-B, filed October 8, 2004)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

15

[4733]

A05-06-002 - Pacific Gas and Electric Company (PG&E) and City of Orinda (City).

PG&E and the City request an order authorizing PG&E pursuant to § 851 of the Public Utilities Code to quitclaim a portion of an existing 115 kilovolt transmission line easement to the City, which will allow the City to develop and construct new administrative offices and corresponding site improvements (Project). PG&E and the City also request a finding that the Project is categorically exempt from the provisions of the California Environmental Quality Act. Finally, PG&E and the City request expedited consideration and approval of this application. Granted. This proceeding is closed.

(Comr Brown - ALJ Barnett)

Outcome Signed

[D05-07-017](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

16

[4734]

A05-01-015 - Southern California Edison Company (SCE).

This decision approves two agreements reached between SCE and Salton Sea Power Generation, L.P. to resolve complex disputes and related litigation involving power purchase contracts. This proceeding is closed.

(Comr Brown - ALJ Malcolm)

Outcome Signed

D05-07-018

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

17

[4735]

A05-02-006 - Utility Telephone, Inc. (Applicant).

This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange services in the services of SureWest Telephone and Citizens Telecommunications Company of California, Inc. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Outcome Signed[D05-07-019](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

18

[4743]

Res E-3940 - Southern California Edison Company (SCE).

This resolution approves SCE's request to expand their Air Conditioning Cycling Program (ACCP) by an additional 30,000 control devices, and grants SCE the authority to use the \$10.319 million in unspent funds which were collected for the Smart Thermostat Pilot Program to cover the ACCP expansion and the 2005 on-going Smart Thermostat Program costs, and to use the remaining balance to off-set the demand response sub-account of the Advance Metering and Demand Response Memorandum Account. (Advice Letter 1875-E/1875-E-A, filed March 8, 2005 and June 7, 2005 respectively)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

19

[4745]

A02-05-004 - Southern California Edison Company.

For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. This decision grants The Utility Reform Network \$52,616.58 in intervenor compensation for its substantial contribution to D05-03-022.

(Comr Kennedy - ALJ Barnett)

Outcome Signed[D05-07-020](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

20

[4746]

A05-02-024 - Del Oro Water Company, Inc. (DOWC).

This decision authorizes DOWC, Johnson Park District to enter into a loan agreement with a bank or commercial lender for the purpose of borrowing \$500,000. This proceeding is closed.

(Exam Coughlan)

Outcome Signed[D05-07-021](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

21

[4747]

A04-09-028 - California Water Service Company.

A04-09-029, A04-09-030, A04-09-031, A04-09-032, A04-09-033, A04-09-034, A04-09-035 - Related matters. This decision adopts a Settlement Agreement between California Water Service Company and the Office of Ratepayer Advocates. The Settlement Agreement for test year 2005-2006 results in general rate increases for California Water Service Districts in Chico, Stockton, Salinas, Los Altos, and East Los Angeles, and general rate decreases in the Visalia, Livermore and Mid-Peninsula districts. The decision also provides for escalation year increases in 2006-2007 and 2007-2008, and advice letter filings to reflect plant additions in the test and escalation years. A04-09-028, A04-09-029, A04-09-030, A04-09-031, A04-09-032, A04-09-033, A04-09-034, and A04-09-035 are closed.

(Comr Peevey - ALJ DeBerry)

Outcome Signed[D05-07-022](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

22

[4749]

C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.

C04-09-001, C04-09-010 - Related matters. This decision extends until further order the current deadline for resolution of this proceeding imposed by Pub. Util. Code §1701.2(d).

(Comr Brown - ALJ Econome)

Outcome Signed[D05-07-023](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

23

[4750]

I _____ - Investigation for the purpose of establishing a list for the fiscal years 2006-2007 and 2007-2008 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

This proceeding is for the purpose of establishing a Grade Separation Priority List for the fiscal years 2006-2007 and 2007-2008 in accordance with Section 2452 of the Streets and Highways Code.

Outcome Signed

[I05-07-016](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

24

[4751]

A05-02-010 - Southwest Gas Corporation (Southwest).

This decision authorizes Southwest to extend its general rate case cycle for two years, implement attrition adjustments for its Northern and Southern California Division customers, except for South Lake Tahoe customers, and freeze the existing base margin rates for South Lake Tahoe customers pursuant to a settlement agreement adopted in D05-03-010. This proceeding is closed.

(Comr Grueneich - ALJ DeBerry)

Outcome Signed

[D05-07-024](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

25

[4752]

R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.

This decision awards San Francisco Community Power \$9,401.70 in compensation for its contribution to D05-01-056. This represents a decrease of \$1,352.31 from the amount requested.

(Comr Peevey - ALJ Cooke)

Outcome Signed

[D05-07-025](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

26

[4753]

C04-08-011 - Eric Little vs. San Diego Gas & Electric Company.

The deadline for resolving this adjudicatory proceeding is extended to December 31, 2005 to enable the parties to complete settlement of this matter, pursuant to Public Utilities Code Section 1701.2(d). (Comr Brown - ALJ Simon)

Outcome Signed[D05-07-026](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

27

[4754]

Res SX-68 - The State of California, Department of Transportation and San Bernardino Associated Governments.

This resolution authorizes San Bernardino Associated Governments a temporary overhead clearance of not less than 21 feet, 6 inches above the top of the highest rail during reconstruction of the Cajon Overhead bridge structures of State Route 210 grade-separated highway-rail crossing over BNSF Railway Company's Main Line in the City of San Bernardino.

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

28

[4756]

(ECP) C05-03-019 - SFinvest Parkview, L.P. vs. Pacific Bell Telephone Company, dba SBC California (SBC).

SBC incorrectly billed SFinvest Parkview L.P. SBC has since made all proper adjustments to the billing records and no dispute remains. The complaint is dismissed and this proceeding is closed. (Comr Brown - ALJ Patrick)

Outcome Signed[D05-07-027](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

29

[4757]

A02-11-017 - Pacific Gas and Electric Company.

For authority, among other things, to increase revenue requirements for electric and gas service effective on January 1, 2003. A02-09-005, I03-01-012 - Related matters. This decision awards \$18,106.60 in compensation to Aglet Consumer Alliance for its significant contribution to D04-10-034.

(Comr Peevey - ALJ Halligan)

Outcome Signed

[D05-07-028](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

30

[4758]

A04-07-042 - Hillview Water Company (Hillview).

This decision makes a minor modification to the Settlement Agreement (Settlement) entered into by Hillview and the Audit and Compliance Branch of the Commission's Water Division resolving Hillview's general rate case and then approves the Settlement, which defers final resolution of three account reconciliation issues to Hillview's pending application to refinance outstanding short- and long-term debt. This proceeding is closed.

(Comr Kennedy - ALJ Vieth)

Outcome Signed

[D05-07-029](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

31

[4759]

A04-11-024 - William Singer, dba Bill's Bus, and Bill's Bus, Inc.

This decision authorizes William Singer to transfer his passenger stage corporation certificate to Bill's Bus, Inc. This proceeding is closed.

(Exam Clark)

Outcome Signed

D05-07-030

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

32

[4760]

A05-03-004 - Rahim Faraji, dba LA's Best Airport Shuttle Services (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between Los Angeles International Airport and points in the Cities of Anaheim and Garden Grove; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

Outcome Signed

D05-07-031

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

33

[4761]

A05-02-017 - Rodrigo L. Polanco, Ivan Vallejo and Mundo Express, Inc.

This decision authorizes Ivan Vallejo to sell to Rodrigo L. Polanco all of the issued and outstanding stock of Mundo Express, Inc., a passenger stage corporation. This proceeding is closed.

(Exam Clark)

Outcome Signed

D05-07-032

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

34

[4763]

A04-03-023 - California-American Water Company (Cal-Am).

A04-03-024 - Related matters. This decision deals with a petition to modify D04-12-055 filed by Cal-Am. D04-12-055 approved two settlement agreements that resolved all of the issues in these two general rate cases. In its petition, Cal-Am notes that certain appendices which should have been included in the decision were inadvertently omitted, and urges that they be added to D04-12-055 as Appendix D. This decision grants that request. This proceeding is closed.

(Comr Peevey - ALJ McKenzie)

Outcome Signed

[D05-07-033](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

35

[4767]

A05-04-017 - IBFA Acquisition Company, LLC (IBFA).

This decision grants IBFA a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Kennedy - ALJ Kenney)

Outcome Signed[D05-07-034](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

36

[4769]

Res T-16938 - SBC California (SBC).

This resolution approves an Interconnection Agreement between SBC and Global Connections Inc. of America, in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

37

[4770]

Res E-3944 - Pacific Gas and Electric Company (PG&E).

PG&E requests approval for recovery of its October 31, 2004 Self-Generation Incentive Program cost balance and September 30, 2004 Demand Responsiveness Program costs balance through 2005 electric rates. (Advice Letter 2580-E, filed November 5, 2004)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

38

[4771]

Res E-3946 - Pacific Gas and Electric Company (PG&E).

PG&E requests approval of three new renewable resource procurement contracts: FPL Montezuma, Buena Vista, and Pacific Renewable. These contracts are approved without modifications. (Advice Letter 2655-E, filed April 26, 2005)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

39

[4772]

Res E-3935 - Southern California Edison Company (SCE).

SCE requests approval of four contract amendments to allow for the repowering of four existing wind power facilities. SCE's Advice Letter 1879-E is approved. (Advice Letter 1879-E, filed March 25, 2005)

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

40

[4773]

Res E-3942

The 2004 Market Price Referent outlined in the February 11, 2005 Assigned Commissioner's Ruling "Issuing Revised 2004 Market Price Referent for the Renewables Portfolio Standard Program" are approved with modifications.

Outcome Approved

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

41

[4778]

A04-05-038 - City of Mendota.

This decision grants the application of the City of Mendota (the City) to construct an at-grade pedestrian and bicycle crossing across railroad tracks to take the place of two informal crossings being used daily by up to 300 adults and children. One of the informal crossings will be fenced to prevent access to the tracks. Protests by Union Pacific Railroad Company and the San Joaquin Valley Railroad were withdrawn after the City's engineers worked with railroad and Commission staff to ensure that the improved crossing will have adequate safety devices and fencing. This proceeding is closed.

(Comr Kennedy - ALJ Walker)

Outcome Signed

[D05-07-035](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

42

[4779]

R _____ - Order Instituting Rulemaking for purposes of amending the rules of practice and procedure to reflect internet access to the agenda and agenda item documents.

This decision opens rulemaking to amend Rule 79 and Rule 80 of the Commission's Rules of Practice and Procedure (Title 20, Division 1, Chapter 1 of the California Code of Regulations).

Outcome Signed[R05-07-015](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

43

[4782]

A05-05-002 - Pacific Pipeline System LLC (PPS).

This decision grants PPS's application to charge shippers a 10 cent per barrel surcharge on all shipments received by PPS in the San Joaquin Valley and shipped through on its Line 63 Trunk Line to destinations in the Los Angeles basin, so that PPS may recover costs of repairs to its Line 63 System and clean up and restoration of Pyramid Lake and Posey Canyon Creek. Under Pub. Util. Code §455.3, PPS must obtain further Commission approval of any portion of the surcharge that exceeds 0.05 percent of its current rates. PPS' request to record and recover these costs in a Catastrophic Events Management Account is denied. PPS shall record these costs in a memorandum account. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)[D05-07-036](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

44

[4785]

I04-07-003 - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service.

This decision imposes fine and costs of investigation. I04-07-003 is closed.

(Comr Kennedy - ALJ Yacknin)

Outcome Signed[D05-07-037](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

45

[4618]

R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.

This decision grants, in part and denies, in part, the California Municipal Utilities Association Petition to Modify D04-12-059 and 03-08-076 (Petition), filed February 16, 2005. The Petition relates to the determination of a Municipal Departing Load cost responsibility surcharge within the service territories of California's three major electric utilities.

(Comr Brown - ALJ Pulsifer)

Agenda 3154, Item 38 6/16/2005 (Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

45a

[4762]

ALTERNATE TO ITEM 4618

This alternate grants the petition to modify of the California Municipal Utilities Association in two respects. First, it grants the requested exceptions to the cost responsibility surcharge (CRS) for new municipal departing load (MDL) in "stand-alone" transactions. Second, it clarifies that the 80 MW cap identified in D04-12-059 applies only to those entities not specifically identified in the PG&E Bypass Report. For those entities that are named in the Bypass Report, there is no cap on the amount of new MDL that is granted an exception to CRS. All other aspects of the petition to modify are denied.

(Comr Peevey)

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

[D05-07-038](#)

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

46

[4623]

I02-04-026 - Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.

A04-07-032 - Related matters. This decision grants in part and denies in part petitions to modify D04-02-062 and D04-11-015. The petitions are granted to the extent they seek to exempt new MDL from the RAC and ERB charges, subject to certain limitations. The petitions are denied to the extent they seek to exempt transferred load from the RAC and ERB charges. A04-07-032 is closed.

I02-04-026 remains open.

(Comr Peevey - ALJ Kenney)

Agenda 3154, Item 39 6/16/2005 (Peevey)

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

47

[4726]

R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standard Program.

This decision approves, with additions, the procurement plans and draft requests for offers for the 2005 solicitation for the Renewables Portfolio Standard (RPS) program submitted by Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company. The decision also clarifies the requirements for reporting on RPS compliance.

(Comr Peevey - ALJ Simon)

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

[D05-07-039](#)

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

48

[4728]

I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.

This decision requires that Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company each prepare and file a 2005 Transmission Ranking Cost Report for use in its upcoming Renewables Portfolio Standard (RPS) procurement. In evaluating RPS bids in response to their 2005 solicitations, the utilities should use the ranking methodology approved in D04-06-013.

(Comr Peevey - ALJ TerKeurst)

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

[D05-07-040](#)

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

49

[4766]

A04-06-024 - Pacific Gas and Electric Company (PG&E).

This decision finds that the San Francisco Bay Area Transit District (BART) is exempt from Energy Recovery Bond (ERB) Charges on preference power purchased under Pub. Util. Code § 701.8. PG&E shall refund the balance in the BART Memorandum Account for ERB Charges paid by BART with interest within 30 days of the date the order is mailed. The decision also finds that SierraPine Ltd. is exempt from ERB Charges collected under or as part of the Direct Access Cost Responsibility Surcharge. The proceeding remains open.

(Comr Peevey - ALJ Mattson)

Outcome Signed

D05-07-041

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders**50**

[4508]

A04-05-017 - WilTel Communications, LLC aka Williams Communications, LLC (WilTel).

This decision denies the application of WilTel to amend its certificate of public convenience and necessity. WilTel asks the Commission to allow it to build out its fiber optic telecommunications facilities without analysis under the California Environmental Quality Act of the environmental impact of the new construction it proposes. This proceeding is closed.

(Comr Peevey - ALJ Thomas)

Agenda 3153, Item 47 5/26/2005 (Kennedy);

Agenda 3154, Item 46 6/16/2005 (Grueneich)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

50a

[4661]

ALTERNATE TO ITEM 4508

This alternate decision grants WilTel's application to amend its CPCN on an interim basis subject to certain proffered conditions.

(Comr Kennedy)

Agenda 3154, Item 46a 6/16/2005 (Grueneich)

Outcome Signed (Comr. Brown dissented. Comr. Grueneich dissented.)

D05-07-042

Yes: (Bohn, Kennedy, Peevey)

No: (Brown, Grueneich)

Abstain: (none)

Absent: (none)

50b

[4729]

ALTERNATE TO ITEM 4508

The alternate draft decision of Commissioner Grueneich denies WilTel's application but delegates to Energy Division the authority to evaluate specified projects to determine whether the project falls within a CEQA statutory exemption. The Alternate sets forth a streamlined process for claiming an exemption and requires the Energy Division to act within 21 days.

(Comr Grueneich)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

51

[4665]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision closes the phase of the Local Competition proceeding designated "FCC Triennial Review Nine-Month Phase." Any remaining disputes regarding change-of-law implementation will be addressed through negotiation or arbitration.

(Comr Kennedy - ALJ Pulsifer)

Agenda 3155, Item 40 6/30/2005 (Kennedy)

Outcome Signed

D05-07-043

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

52

[4765]

C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.

C04-09-001, C04-09-010 - Related matters. In this complaint case, the presiding officer's decision (POD) ordered that Verizon California Inc. (Verizon) continue to allow Complainants AT&T Communications of California, Inc., TCG Los Angeles, Inc, TCG San Diego and TCG San Francisco (collectively AT&T); Complainants Telescape Communications, Inc and Wholesale Airtime, Inc.; Intervenor NII Communications, Inc.; Intervenor MCI, Inc.; and Intervenor A New Telecommunications Corporation d/b/a Call America and Navigator Telecommunications, LLC to purchase unbundled Local Switching and Common Transport network elements under the terms of their interconnection agreements. The POD finds that Verizon may not decline to sell the unbundled network elements on the grounds that Verizon has changed certain hardware (i.e., replaced the circuit switch with a packet switch) used to provide the network elements. Complainant ACN Communications Services, Inc. is not granted relief because its interconnection agreement with Verizon has expired. Intervenor Fones4All is not granted relief because of its failure to prosecute. Complainants Blue Casa Communications, LLC, Covad Communications Company, and Vycera Communications, Inc.'s motions to withdraw from this proceeding are granted. The decision also disposes of the appeal to the POD's decision filed by Verizon, as well as AT&T's motion to withdraw its complaint. These proceedings are closed.

(Comr Brown - ALJ Econome)

Outcome Held (8/25/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**53**

[4713]

A04-09-005 - San Gabriel Valley Water Company.

This decision approves a \$4,110,200 (10.9%) general rate increase for San Gabriel Valley Water Company's Los Angeles County Division for fiscal test year 2005/2006, and increases in escalation years 2006/2007 and 2007/2008 currently estimated to be \$516,600 (1.2%) and \$416,800 (1.0%) respectively. This proceeding is closed.

(Comr Peevey - ALJ McVicar)

Outcome Signed[D05-07-044](#)

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

54

[4715]

A03-10-057 - Southern California Water Company.

This decision approves amortization of the balance in the Arden-Cordova Litigation Memorandum Account, adjusted to move responsibility for carrying charges on capital expenditures from ratepayers to shareholders; requires a bill insert explaining the terms of the settlements that resolve the groundwater contamination lawsuits and the reason for the surcharge; and requires annual status reports on the Aerojet property development to the Director of the Water Division. This proceeding is closed.

(Comr Peevey - ALJ Vieth)

Outcome Signed

D05-07-045

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Other Utility Orders**55**

[4777]

R03-08-019 - Order Instituting Rulemaking on the Commission's own motion to amend General Order 77-K.

General Order (GO) 77-L will not be amended and remains in effect as originally adopted in August 2004. Tier I Utilities (those with over \$1 billion annual operating revenue) are directed to include in all future GO 77 reports an internet site-link to all documents filed with the Securities and Exchange Commission that relate to executive compensation.

(Comr Peevey - ALJ Koss)

Outcome Held (8/25/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Administrative Law Judge Division Reports and Resolutions**56**

[4649]

Res ALJ-185

The Commission, building upon existing practices, hereby establishes a program under the supervision of the Chief Administrative Law Judge to encourage and evaluate the use of alternative dispute resolution (ADR) processes in formal proceedings and other appropriate disputes arising within the Commission's jurisdiction. This resolution sets forth the need for and purpose of this initiative; basic procedures; and the respective responsibilities of parties, ALJs, and the Commission in implementing this program. The Commission's fundamental mission is to define and protect the public interest as it relates to utility rates and service. The Commission believes that ADR, in appropriate instances, helps it to fulfill the Commission's mission; however, ADR does not relieve the Commission of its ultimate responsibility to act in the public interest.

Agenda 3155, Item 42 6/30/2005 (Bohn)

Outcome Held (8/25/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legal Division Matters**57**

[4564]

WC Docket No. 04-36 (FCC)

In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.

Agenda 3152, Item 23 5/5/2005 (Staff);

Agenda 3153, Item 49 5/26/2005 (Staff);

Agenda 3154, Item 52 6/16/2005 (Brown);

Agenda 3155, Item 43 6/30/2005 (Kennedy)

Outcome Held (8/25/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

58

[4659]

FCC CC Docket No. 98-170

In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments on FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

Agenda 3154, Item 55 6/16/2005 (Brown);

Agenda 3155, Item 44 6/30/2005 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

58a

[4704]

ALTERNATE TO ITEM 4659

In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments supportive of FCC's actions to protect consumers via establishment of national disclosure rules in response to FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

(Comr Kennedy)

Agenda 3154, Item 55a 6/16/2005 (Brown);

Agenda 3155, Item 44a 6/30/2005 (Kennedy)

Outcome Approved (Comr. Brown Dissented.)

Yes: (Bohn, Grueneich, Kennedy, Peevey)

No: (Brown)

Abstain: (none)

Absent: (none)

59

[4774]

FCC Docket 01-92

CPUC's Reply Comments In the Matter of Developing a Unified Inter-carrier Compensation Regime - FCC-01-92.

Outcome Approved-Staff Recommendation

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters - Discussion**60**

[4483]

AB 903 (De La Torre)

Cable television franchises.

Agenda 3151, Item 32 4/21/2005 (Staff);

Agenda 3152, Item 30 5/5/2005 (Staff);

Agenda 3153, Item 56 5/26/2005 (Staff);

Agenda 3154, Item 58 6/16/2005 (Staff);

Agenda 3155, Item 48 6/30/2005 (Staff)

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

61

[4621]

AB 1010 (Oropeza)

Rail transit

Agenda 3154, Item 59 6/16/2005 (Staff);

Agenda 3155, Item 49 6/30/2005 (Staff)

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

62

[4723]

SB 909 (Escutia)

Telecommunications: video services: fair competition.

Agenda 3155, Item 56 6/30/2005 (Staff)

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

64

[4705]

A02-11-044 - Conference with Legal Counsel – Application for Rehearing

Disposition of Applications for Rehearing of D04-07-034 filed by the Office of Ratepayer Advocates, City of Fontana and the Fontana Unified School District. D04-07-034 authorizes a rate increase for the San Gabriel Valley Water Company (San Gabriel), Fontana Water Company Division. Among other things, the decision removes \$2.6 million from the ratebase, finding that is the amount of money the County of San Bernardino reimbursed San Gabriel for its water treatment facility, Plant F-10. The decision also finds that the Fontana Division is experiencing growth that is expected to continue and that it was barely able to meet its 2003 summer peak-day demand following four years of drought and closure of various contaminated wells. Further, the decision finds that it is not reasonable to defer addition for new plant in the Fontana Division until outside funding for contamination cleanup becomes available and finds that the utility has justified its proposed construction program including plans for needed plant additions that would increase its rate base at a rate of 10% per year. The decision advises that the utility to open a water quality memorandum account for any reimbursements from polluters or proceeds ultimately received. The decision permits the utility to purchase land for its new office building but requires it to defer building the new office building at this time. Because the utility has not, in the past, hired new personnel when funded to do so, the decision requires it to file an advice letter for inclusion of the costs of each new position authorized by it. In addition, the decision finds that the utility's executive salaries are not unreasonable.

Agenda 3155, Item 61 6/30/2005 (Bohn)

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

65

[4755]

R01-08-028 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for rehearing of D05-01-055, filed by Women's Energy Matters. In this decision, the Commission adopted an administrative structure for energy efficiency programs beyond 2005 which are funded through the public goods charge and a non-passable procurement surcharge; and also natural gas energy efficiency programs, which are funded through the natural gas surcharge.

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

D05-07-046

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

66

[4768]

A00-11-038 - Conference with Legal Counsel - Application for Rehearing

A00-11-056. A00-10-028 - Related matters. Disposition of any applications for rehearing of D05-06-060. In D05-06-060, the Commission granted San Diego Gas and Electric Company's Petition for Modification of D04-12-014.

Outcome Signed

D05-07-047

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

67

[4776]

R04-04-003 - Conference with Legal Counsel - Application for Rehearing

Disposition of Applications for Rehearing of D04-12-048, filed by Strategic Energy, Constellation New Energy, and the Alliance for Retail Markets; Southern California Edison Company; South San Joaquin Irrigation District; and the Cogeneration Association of California and the Energy Producers and Users Coalition. In D04-12-048, the Commission adopted, with modifications, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company's Long-Term Procurement Plans and provided direction to the utilities on the procurement of the resources identified therein.

Outcome Held (8/25/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)